



An
Bord
Pleanála

Inspector's Report ABP314547-22

Development	Permission for construction of one and half storey dwelling house, wastewater treatment system, improvements to existing vehicular access and ancillary site works
Location	Campbells Lane, Glencullen, Dublin 18
Planning Authority	Dun Laoghaire County Council
Planning Authority Reg. Ref.	D22A/0437
Applicant(s)	Siobhan Parker
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant(s)	Siobhan Parker
Observer(s)	None
Date of Site Inspection	9 th September 2023

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1.0 Site Location and Description

- 1.1. The proposed development is located on the north side of Bridge Road and to the south of Glencullen Village. The site comprises of a north-south sloping field with poorly defined boundaries. There is a stream on the west side of the site which flows towards the Glencullen River circa 350 metres to the south. The lane which connects to Barrack Road to the west comprises of numerous sporadic one off houses.
- 1.2. The stated area is 0.50ha.

2.0 Proposed Development

- 2.1. The proposed development comprises of the following: Permission for the
- construction of one and half storey dwelling house,
 - wastewater treatment system,
 - improvements to existing vehicular access and
 - ancillary site works

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority refused permission for the following reasons:

1. *The site of the proposed development is located in an area zoned 'Objective G; to protect and improve high amenity areas' under the Dún Laoghaire Rathdown County Development Plan 2022-2028. It is not considered, from the documentation submitted, that the applicant has clearly demonstrated a genuine requirement for housing in the area based on the Applicant's 'principal employment' being in a local enterprise directly related to the area's amenity potential.' The proposed development would therefore be contrary to the objective to protect the rural character of the countryside and to foster sustainable development, in that it would contribute to a pattern of urban sprawl, lead to demands for the uneconomic provision of public services and community facilities,*

would have negative impacts due to the visual prominence of the dwelling and would set an undesirable precedent for similar development in the area. The development would contravene the policy objectives for rural housing in 'High Amenity' lands as outlined under Policy PHP23, of the County Development Plan 2022-2028 and would be contrary to the proper planning and sustainable development of the area.

- 2. The siting and scale of the proposed development would detract from the visual amenity of the 'High Amenity Zone Objective 'G' zoned land. The location of the buildings has had little regard to the receiving environment and would not protect or enhance the character and amenities of the sensitive landscape. The Applicant has not submitted a visual impact assessment/ photomontages /viewshed analysis nor visibility analysis to clearly demonstrate the proposed development would avoid significant impacts on the sensitive landscape. The development fails to meet the specific site suitability criteria for one-off housing in the countryside and criteria set out for rural non-residential development and would therefore set an undesirable precedent for similar development in the area. The proposed development would therefore be contrary to Section 12.7.4 (High Amenity Landscapes, Views and Prospects), Section 12.3.10.1 (Suitable Sites), Section 12.3.10.1 (Design) and Section 12.3.12 (Rural - Non -Residential Development) of the County Development Plan 2022-2028 and would be contrary to the proper planning and sustainable development of the area.*

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the Planning Officer (dated 8th August 2022) reflects the decision of the Planning Authority.

3.2.2. Other Technical Reports

- Drainage Planning Report (28th July 2022) - No objection subject to conditions
- Parks & Landscape Services (22nd July 2022) – Recommends that an Ecological Assessment should be provided

- Environmental Health Officer (18th July 2022) -proposal is not acceptable. The percolation area proposed does not comply with distance requirements from site boundaries as per the groundwater protection recommendations of Eugene Daly Associates July 2007 Glencullen Local Area Plan 2008 Policy ENV2.

3.3. Submissions/Observations

There is one submissions on file as follows:

- An Taisce (25th July 2023) raises issues with respect of the obstruction of views of special amenity value or of special interest. The submission also raises issues as to whether the applicant complies with rural housing policy or not

4.0 Planning History

- None

5.0 Policy and Context

5.1. Development Plan

- Dun Laoghaire Rathdown County Development Plan 2022-2028 is the statutory development plan in the area where the proposed development site is located.
- Within the plan the site is subject to zoning objective G, which seeks *'to provide protect and improve high amenity areas*
- 4.3.1.6 Policy Objective PHP23: Management of One-off Housing
 - It is a Policy Objective to restrict the spread of one-off housing into the rural countryside and to accommodate local growth into identified small villages subject to the availability of necessary services. One-off housing will only be acceptable where it is clearly shown that it is not urban-generated, will not place excessive strain on services and infrastructure, or have a serious negative impact on the landscape and where there is a genuine local need to reside in a rural area due to locationally-specific employment or local social needs (subject to compliance with the specific zoning objectives). (Consistent with NPO 19 of the NPF and RPO 4.80 of the RSES)

- High Amenity Zone Objective 'G'

Within areas designated with zoning Objective 'G' ("to protect and improve high amenity areas") dwellings will only be permitted on suitable sites where the applicant can demonstrate to the satisfaction of the Planning Authority that:

- There is genuine requirement for housing in the area because their principal employment is in agriculture, hill farming or a local enterprise directly related to the area's amenity potential.
- The proposed development will have no potential negative impacts for the area in such terms as visual prominence or impacts on views and prospects, or the natural or built heritage.

5.2. Glencullen Local Area Plan

- Site is located within a designated 'Cluster' in the above plan
- Glencullen River is a pristine / unpolluted river. It is designated as Salmonid waters and it is similarly designated as being associated with a candidate Special Area of Conservation (Knocksink Wood). The river is therefore a valuable wildlife resource for freshwater invertebrates, fish, birds, mammals etc. In addition to this the river is also the sole source of drinking water for Enniskerry Village and its environs (Co. Wicklow).
- The Council's Environment Department recommends (having consulted with Wicklow County Council) that waste water treatment systems, catering for single houses and small developments be sited no less than 200 metres from any part of the Glencullen River (including Brockey Tributary) and no less than 100 metres from any part of the other tributaries, located upstream of the referred intake locations.
- Downstream of the raw water supply intake points for the Enniskerry Water Supply and outside of the Source Protection Plan Area (SPPA) the principle threat to the biological quality of Glencullen river is from wastewater treatment plants installed with new development and extra loading on existing systems in the identified rural clusters at The Moors (southern section) and Campbell's

Lane. This is because tributaries of Glencullen River flow through these clusters and these clusters are serviced by wells.

- large sites of at least 0.5 ha in area and where all of the percolation area boundaries are at least 25m from the site boundaries. This condition is required due to the low permeability of the subsoils in the area, to protect surface waters and ensure attenuation takes place within the development area.
- Any new percolation areas should be located at least 75 m up gradient (60 m in the case of Campbells Lane) or 45m down gradient (30m in the case of Campbells Lane) of existing water supply wells
- That site investigations be undertaken to confirm that there is at least 3m of low permeability subsoils beneath the site and that the ground is suitable for a percolation area. The required investigations should be supervised by a hydrogeologist or geotechnical engineer with professional accreditation in Ireland.

5.3. National Planning Framework 2040

- National Policy Objective 19 states that ‘In rural areas under urban influence, facilitate the provision of single housing in the countryside based on the core consideration of demonstrable economic or social need to live in a rural area and siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements

5.4. Section 28 Guidelines – Sustainable Rural Housing Guidelines 2005

- ‘People who are part of the rural community should be facilitated by the planning system in all rural areas, including those under strong urban-based pressures’
- Section 4.3; planning authorities should recognise that exceptional health circumstances – supported by relevant documentation from a registered medical practitioner and a disability organisation – may require a person to live in a particular environment or close to family support.

5.5. Natural Heritage Designations

Knocksink Wood SAC (Site Code 00725) is located 0.24km from the proposed development site.

5.6. EIA Screening

Having regard to the nature and scale of the proposed development it is considered that there is no real likelihood of significant effects on the environment arising from the proposed development. The need for EIA can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

- A first party appeal was lodged by RMLA Planning Consultants on the 6th September 2022

6.1. Grounds of Appeal

- That the applicant complies with rural housing policy
- That the proposed development is located in a cluster as designated in the Glencullen Local Area Plan 2008
- That the site would not be visible from the surrounding area
- That the design of the dwelling as now proposed is appropriate in this context.

6.2. Planning Authority Response

- The Planning Authority responded on the 15th September 2022 asking the Board to refer to the planners report on the file

6.3. Observations

- None

6.4. Further Responses

- None

7.0 Assessment

7.1. Introduction

7.1.1. I have examined the application details and all other documentation on file and I have inspected the site and have had regard to the relevant local development plan policies, history files and other relevant guidance documents.

7.1.2. I am satisfied the substantive issues arising from the grounds of this third party appeal relate to the following matters-

- Principle of Development/Rural Housing Policy
- Wastewater Treatment
- Visual Amenity Issues
- Traffic Safety
- Appropriate Assessment Screening

7.2. Principle of Development

7.2.1. The proposed development site is located within an area designated as zoning objective G, in the Dun Laoghaire Rathdown County Development Plan 2022-2028.

7.2.2. Within areas designated with zoning Objective 'G' ("to protect and improve high amenity areas") dwellings will only be permitted on suitable sites where the applicant can demonstrate to the satisfaction of the Planning Authority that:

- There is genuine requirement for housing in the area because their principal employment is in agriculture, hill farming or a local enterprise directly related to the area's amenity potential.

- The proposed development will have no potential negative impacts for the area in such terms as visual prominence or impacts on views and prospects, or the natural or built heritage.

7.2.3. I understand from the details submitted with the application that the applicant was born and raised at an address at 2 Crowfall, Bridge Road, Glencullen. It is not clear exactly where on Bridge Road the applicant resides but Bridge Road is within 1-2km of the site. I would consider that this is a rural area.

7.2.4. The applicant currently works in her mother's business, a Gaelscoil pre-school in Stepaside which is located 6km from the proposed development site. She states that she previously worked at the local school.

7.2.5. The applicant has submitted sufficient documentary proof with respect of the above.

7.2.6. I am of the opinion that in this respect that the applicant has not demonstrated compliance with zoning objective G, as her principal employment is not in agriculture, hill farming or a local enterprise directly related to the area's amenity potential. There is no reason she needs to live in this rural area for the purposes of her employment. She could live in a settlement such as Glencullen and still fulfill her employment requirements. The proposal therefore contravenes Policy Objective PHP23 of the Dun Laoghaire Rathdown County Development Plan 2022-2028.

7.2.7. I note the appeal on file which refers to the Glencullen Local Area Plan 2008 wherein the site is located within a 'cluster' where it is part of the settlement strategy of the same plan to seek consolidation and development of existing identified rural clusters.

7.2.8. While the same is noted, I would consider in terms of plan hierarchy that Policy Objective PHP23 of the Dun Laoghaire Rathdown County Development Plan 2022-2028 with respect of rural housing policy outweighs any such housing policies set out in local area plans.

7.2.9. The appeal also refers to the National Planning Framework 2040 and specifically NPO 19 which seeks to facilitate the provision of single housing in the countryside '*based on the core consideration of demonstratable economic or social need to live in a rural*

area' While the applicant clearly does not have an economic need to reside at this location, I would consider that she has a social need. However, I would consider that this social need could be met by her residing in a settlement such as Glencullen (which is within a couple of kilometres of the site whilst still fulfilling her social need to live in the area. This approach would be compliant with PHP23 as set out above which seeks to *'restrict the spread of one off housing into the rural countryside and to accommodate local growth into small villages'*

7.2.10. With respect of the above, I would consider that the applicant does not comply with rural housing policy.

7.3. Services

7.3.1. I note that it is proposed to bore a well to serve the proposed house and to install a wastewater treatment plant.

7.3.2. The bored well is located uphill of the percolation area and is 58m from the same which is in accordance with the EPA Code of Practice of Domestic Wastewater Treatment Systems 2021.

7.3.3. The Glencullen Local Area Plan 2008 states under Policy ENV2 that *Any new percolation areas should be located at least 75 m up gradient (60 m in the case of Campbells Lane) or 45m down gradient (30m in the case of Campbells Lane) of existing water supply wells*

7.3.4. Existing wells associated with adjacent properties are not shown on the site layout plan so the distance to these wells cannot be determined. I note that there are two houses located to the south of the proposed development site and both downslope of the proposed percolation area.

7.3.5. Concerns arise with regard to the wastewater treatment plant proposed and its proximity to the surface water stream along the western boundary which according to the planners report on file is a tributary of the Glencullen River.

7.3.6. The Glencullen River flows through Knocksink Wood SAC and as such there is a direct hydrological connection to the same. This factor will be discussed later in this report.

7.3.7. It is stated in the Glencullen Local Area Plan 2008 that the Glencullen River is the sole source of drinking water for Enniskerry Village and its environs (Co. Wicklow). Its protection is therefore of paramount importance.

7.3.8. With respect of the above, the Glencullen Local Area Plan 2008 requires higher standards for private wastewater treatment plants, higher than the standards as set out in the EPA's Code of Practice.

7.3.9. These standards are as set out in the Local Area Plan that :

- that waste water treatment systems, catering for single houses and small developments be sited no less than 200 metres from any part of the Glencullen River (including Brockey Tributary) and no less than 100 metres from any part of the other tributaries, located upstream of the referred intake locations.
- large sites of at least 0.5 ha in area and where all of the percolation area boundaries are at least 25m from the site boundaries. This condition is required due to the low permeability of the subsoils in the area, to protect surface waters and ensure attenuation takes place within the development area.
- That site investigations be undertaken to confirm that there is at least 3m of low permeability subsoils beneath the site and that the ground is suitable for a percolation area. The required investigations should be supervised by a hydrogeologist or geotechnical engineer with professional accreditation in Ireland.

7.3.10. I note a hydrology report has been submitted with the application The report states that:

- The site is 0.3km from the Glencullen River (threshold is 0.2km according to LAP)
- That there is 3 metres of subsoils beneath the site. It is not stated if these are low permeability subsoils or not but it is stated that the trial hole which was dug on site was generally dry to a 3 metre depth.

7.3.11. In addition a site characterisation report has been submitted with the application which states that:

- There is no drainage ditches within 250 metres - this is not correct there is a stream along the western boundary of the site some 25 metres from the proposed percolation area.
- The water table was encountered at 2.2 metres. Mottling observed at 1.6 metres (indication that water table rises to 1.6 metres)
- T tests result indicates favourable percolation rates.
- Author of report recommends a tertiary packaged treatment plant with 120 sq. metre gravel infiltration area (type of polishing filter). I note that the site layout plan shows only for 100sq.m. If the site layout plan was to indicate a larger gravel infiltration area as is required then the 25 metre minimum threshold to the boundaries as is required under ENV2 of the Local Area Plan cannot be met.
- I refer to the report from the EHO on file dated 18 July 2023 whom confirms that these minimum thresholds cannot be met.

7.3.12. With respect of the above therefore and having regard to:

- The fact that the minimum threshold of 25 metres from the polishing filter to the site boundaries cannot be met (when taking into account the requirement for 120sq.m. polishing filter)
- The fact that the seasonal water table is as high as 1.6 metres
- The fact that water wells in adjacent properties are not indicated on adjacent properties
- the fact that there is a stream on the western boundary of the site which outfalls to the Glencullen River being the potable water source for Enniskerry
- that the same stream flows to Knocksink Wood SAC

It is considered that on the basis of the information submitted with the application that it has not been adequately proven that the proposed development complies with

ENV2 of the Glencullen Local Area Plan 2008 which seeks to protect in particular the pristine waters associated with the Glencullen River.

7.4. Visual Amenity Issues

- 7.4.1. The proposed development comprises of the construction of a new dwelling house at this location. I further note that revised drawings of the proposed house were submitted at appeal stage. I would consider that these proposals are materially different to what was submitted to the planning authority and assessed by the case planner. In this respect, I would consider that, at a minimum the proposal warrants readvertisement under Article 35 of the Planning and Development Regulations 2001 (as amended). With respect of the above and for the purposes of this assessment I will assess the proposal on the basis of the plans and particulars submitted to the planning authority on the 21st June 2022. I will also comment on the revised plans submitted on appeal to the Board.
- 7.4.2. The proposed development site is located within an area zoned as 'High amenity' in the Laoghaire Rathdown County Council Development Plan 2022-2028 where it is the policy of the council that developments *will have no potential negative impacts for the area in such terms as visual prominence or impacts on views and prospects, or the natural or built heritage.*
- 7.4.3. With respect of the house design submitted I refer to Section 12.3.10.2 of the Dun Laoghaire Rathdown County Council Development Plan 2022-2028. The plan seeks in this regard to rural houses that *'A design which is incompatible with site conditions, to the extent that it would be dominant, intrusive or incongruous in the landscape'*
- 7.4.4. The proposed dwelling is a large dormer dwelling 21 metres in length x 12.9 meters in width set over two floors with a stated area of 468sq.m. The proposed height is stated at 8.0 metres. The revised plans submitted to the Board at appeal stage have an unstated area but has dimensions of 22 metres by 11 metres with a much smaller first floor though the dwelling proposed is still a sizable.
- 7.4.5. Generally I would consider that the large bulky nature of the proposed house is inappropriate in this rural context.

- 7.4.6. With respect of the design of the elevations, I would consider that there are overly complex with sporadic large and small glazing units, neither traditional in appearance nor contemporary. I would consider that the overly complex elevations would detrimentally impact upon the visual amenities of the area. The revised drawings submitted with the appeal comprise of proposals which are somewhat more traditional in appearance with front projecting gable feature, bay windows, and some feature stone facing. While the proposal is generally more acceptable, I would still consider that the overall bulky nature of the proposal to be inappropriate in this rural context and would be a dominant, intrusive and incongruous form in the landscape.
- 7.4.7. I note the visual assessment submitted with the application which shows for potential views to the site taken from different viewpoints on Bridge Road and more locally from Campbells Lane where the proposed development site is located.
- 7.4.8. In summary, views to the site will only be available locally from Campbells Lane particularly on the descent down the lane towards the site.
- 7.4.9. With respect of the above, I am of the opinion that there will be no impact on views and protects as a consequence of the proposed development. Visual impacts will only arise in a local context.

7.5. Traffic Safety

- 7.5.1. I note that Campbells Lane where the site is located is a private lane which is a narrow rural lane not wide enough for passing vehicles. Traffic speeds are extremely slow as a consequence. Access to the site is proposed to be via an existing agricultural access. I do not consider that the use of this access will result in any traffic safety implications.
- 7.5.2. I consider it appropriate to examine the junction of the private lane, Campbells Lane and Bridge Road which is a public road. Sight visibility at the junction when turning onto Bridge Road from Campbells Lane is restricted to the south and proves difficult to see oncoming traffic from this direction. Having regard to the same I would consider that the additional traffic that would result as a consequence of the proposed development would increase traffic hazard at this location.

7.6. **Appropriate Assessment Screening**

- 7.6.1. Knocksink Wood SAC (Site Code 00725) is located 0.24km from the proposed development site. The case planners report on file states that there is a direct hydrological connection from the site to the SAC. On this basis and on the basis that an AA screening report was not submitted with the application it is possible to screen out the requirement for the submission of an NIS.

8.0 **Recommendation**

I recommend that permission be refused for the following reasons:

1. The site is located in an area designated as an Area of High Amenity as designated in the in the Dun Laoghaire Rathdown Development Plan 2022-2028 where it is the policy of the planning authority, under zoning objective G and Policy Objective PHP23, that any development in the area not related directly to its amenity potential or its use for agriculture, mountain or hill farming should not be permitted. The proposed development would contravene this policy and would, therefore, be contrary to the proper planning and sustainable development of the area.
2. It is considered that the proposed house, by reason of its height, bulk, and design would be visually obtrusive in this rural area zoned as an Area of High Amenity in the Dun Laoghaire Rathdown Development Plan 2022-2028. The proposed house would, therefore, be contrary to the proper planning and sustainable development of the area.
3. It is the policy of the planning authority, as expressed in the Glencullen Local Area Plan 2008 to protect the sources of supply of water to Enniskerry and environs by preventing development within the catchment area of the town water supply source which in this case is the Glencullen River. This river is located 300 metres to the south of the site and is hydraulically connected to the site via a stream which runs along the western boundary of the site. This policy is considered reasonable. Having regard to the same and having regard to the information submitted with the application and the policies with respect of protecting this water source as set out under ENV2 of the Glencullen Local Area Plan 2008, it is considered that the proposed development would contravene this policy, would be prejudicial to public health due to the risk of pollution of a source of public water supply.

4. It is considered that the proposed development would endanger public safety by reason of traffic hazard because of the additional movements the development would generate on a substandard lane and where sightlines are restricted in a southerly direction at the junction of the lane and the public road.
5. The site is hydraulically connected via a stream and a river (the Glencullen River) to a Special Area of Conservation, Knocksink Wood SAC which is located 300 metres to the south of the proposed development site. The Board is not satisfied, on the basis of the submissions made in connection with the planning application and the appeal, that adequate information has been provided on the impact of the proposed development on the habitat and the resulting implications for wildlife and flora.

It is therefore considered that the Board is unable to ascertain, as required by Regulation 27(3) of the European Communities (Natural Habitats) Regulations, 1997, that the proposed development will not adversely affect the integrity of a European Site and it is considered that the proposed development would be contrary to the proper planning and sustainable development of the area.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way

Andrew Hersey
Planning Inspector

15th October 2023